BENJAMIN J. CAYETANO GOVERNOR OF HAWAII



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C. OF CONTROL WATER AND LAND DEVELOPMENT WATER RESOURCE MANAGEMENT

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES END 12

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P.O. BOX 621

HONOLULU, HAWAII 96809

7 1996

file no. HA-2822

MEMORANDUM

TO:

Gary Gill, Director

Office of Environmental Quality Control

FROM:

Dean Uchida, Administrator

Land Division

SUBJECT:

Finding of No Significant Impact for Single Family

Residence at South Kona, Hawaii, TMK 8-7-19: 33

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on September 23, 1996. The Department has determined that this project will not have significant environmental effect and has issued a negative declaration. Please publish this notice in a forthcoming Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the final EA. Please contact Don Horiuchi at 587-0381 if you have any question.

Enc.

1998-11-23-HI-FEA-Mosero Singer Jamily Residence Enst. NOV 23 1996
Conservation District FILE COPY

RECEIVED RECEIVED DIVISION OF AND MANAGEMENT

FINAL ENVIRONMENTAL ASSESSMENT IN SUPPORT OF CONSERVATION DISTRICT USE APPLICATION HA-2822

Submitted by: Gregory R. Mooers Mooers Enterprises October 28, 1996

FINAL ENVIRONMENTAL ASSESSMENT

for CDUA HA-2822 Steven and Alberta Duarte

VI. ENVIRONMENTAL REQUIREMENTS:

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental Assessment of the proposed use must be attached. The Environmental Assessment shall include, but not be limited to the following:

Introduction and Summary:

The applicants purchased this property as part of a 1959 subdivision on September 4, 1991. This lot is surrounded by residential lots, some developed and some not. DLNR has granted permission for single family residences to neighboring properties, specifically File No: HA-9/25/89 - 2321 and HA-2730, for TMK's 8-7-19:31 and 36.

The single family dwelling and its accessory structures and facilities will not contribute to any economic, social or environmental concerns. No adverse environmental impacts are anticipated other than minor noise and dust inconveniences during the construction period.

(1) Identification of applicant or proposing agency;

The applicants are the owners of this property, Stephen and Alberta Duarte, of Pukalani, Maui. They are the owners and operators of DUWATTS Electric, Inc., located in Wailuku, Maui.

(2) Identification of approving agency, if applicable;

This CDUA will be reviewed by the Department of Land and Natural Resources (DLNR). DLNR will route this application to other agencies for their review and comment.

(3) Identification of agencies consulted in making assessment;

The following agencies were consulted in the preparation of this assessment:

- (A) DLNR, Office of Conservation and Environmental Affairs;
- (B) DLNR, Historic Sites;
- (C) State Land Use Commission;
- (D) Hawaii County Planning Department;
- (E) Hawaii County Department of Public Works;
- (F) State Department of Health.

(4) General description of the action's technical, economic, social, and environmental characteristics;

- (A) This land is partially within the State Conservation District, limited subzone and partially within the State Agricultural District according to the determination made by the State Land Use Commission on June 1, 1994.
- (B) This property is part of the Kona Paradise Subdivision that was established in 1959. This particular lot is accessed over the main road through the subdivision, Kaohe Road, and a lateral roadway "Road M". There is overhead electrical power available to the lot, the water will be provided by catchment system and the sewer system will be by a State Department of Health approved septic system.
- (C) The purpose of this project is to build a single family residence, associated facilities and landscaping within this existing residential subdivision in compliance with 13-5 HAR, Exhibit 4, Single Family Residential Standards. Construction of the home will begin as soon as all permits are secured and it should be completed within six months after the commencement of construction. The cost of this action will be approximately \$150,000.
- (D) The economic impact of the project will include the employment of a local contractor and work force to construct the home, septic system, catchment system and landscape the lot.
- (E) The lot will be beautified with the removal of unwanted plant material and the introduction of landscaping that will mitigate the visual impact of the structure. The irrigation of the lot will also help control dust in this area.
- (F) While the lot abuts the shoreline, it is not presently used as access to the beach as there is a public access for vehicles and pedestrians 200 feet north of the property.
- (G) The Department of Public Works has notified us that the project site is located in Zone "X" on the Federal FIRM map, outside the 500 year flood plain.
- (H) There will be an increase in noise and dust for a short period during the construction of the residence. Dust control measures will be employed during construction and the lot will be fully landscaped at the conclusion of the construction. The landscaping and irrigation will mitigate future dust problems and also mitigate the visual impacts of the structure.

(5) Summary Description of the affected environment, including suitable and

adequate location and site maps;

The site plan and Tax Map are enclosed as exhibits "I" and "H-4". The subject property is a 16,016 square foot lot in the Kona Paradise subdivision that was established in 1959. The parcel adjoins Ili Ili Beach, a rocky shoreline with a seven foot cliff fronting the subject property. See photographs provided as exhibit "K". The lot was graded in 1959 when the subdivision was established. The lot is a flat Aa Aa slab covered with a variety of grasses, keawe ekoa, and night blooming cirus. The subdivision is partially built out with homes on neighboring properties, TMK's 8-7-19:22,23,31 and 36. Because of the previous grading of the lot there are no historical features evident, nor are there any rare or endangered flora or fauna present.

(6) Identification and summary of major impacts and alternatives considered, if

There should be no major impacts from the proposed action. The development of a single family home on this lot is consistent with the uses in the area. Since the lot was previously graded, no archaeological sites are evident and no endangered plant or animal species are present. All construction will be permitted and meet with all applicable government regulations. The applicant has filed a Special Management Area Use Permit and a SMA Impact Assessment with the County of Hawaii. The Planning Department has ruled that the proposed action is exempt from SMA Rules and Regulations. See exhibit "E". Construction of the home will take place over 120 feet from the makai boundary of the parcel where the elevation is about 25'.

(7) Proposed mitigation measures, if any;

All construction will be permitted and comply with government regulations. The septic system will meet with the requirements of the State Department of Health. The buildings will all be set-back from the shoreline over 100 feet to avoid any undue impacts on the beach. The site will be fully landscaped to lessen the visual impact and to control dust.

(8) Determination;

The proposed single family dwelling, together with its accessory structures and facilities:

- (A) will not involve loss or destruction of natural or cultural resources;
- (B) will not curtail beneficial uses of the environment;
- (C) does not conflict with county or state long-term environmental policies or goals;
- (D) will not negatively affect local economic or social welfare;
- (E) will not have substantial secondary impacts;
- (F) will not have a negative cumulative impact;

(G) will not affect rare or endangered species;

- (H) will not affect, other than during construction, air quality and ambient noise levels;
- (I) will not affect water quality; and
- (J) will not alter existing land forms.

Based on the above, DLNR should determine either that:

- (1) the proposed action is exempt from the requirements of Chapter 343, Hawaii Revised Statutes, or
- (2) a negative declaration is appropriate.

(9) Findings and reasons supporting determination;

The subject property is located within the Kona Paradise subdivision, established in 1959, that is in the State Land Use Conservation District, limited subzone. See the determination by the Land Use Commission, exhibit "D". Single Family Residence is an identified land use in the limited subzone. The proposed action will be consistent with all government regulations and policies and will have all required permits prior to any development activity on the property.

- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

 Not applicable.
- (11) Comments received from the Draft Environmental Assessment: We received two comments on the Draft Environmental Assessment, a letter from the Hawaii Speleological Survey and a letter from Gary Gill, Director of the Office of Environmental Quality Control. The letters and responses are included as exhibit "L".

LIST OF EXHIBITS FOR FINAL ENVIRONMENTAL ASSESSMENT TAKEN FROM CDUA HA-2822

Exhibit "E"

Copy of May 15, 1996, letter from the County of Hawaii Planning

Department Exempting the Proposed Action from SMA Rules and

Regulations

Exhibit "H-4"

Map of Tax Map Key No: (3) 8-7-19:33

Exhibit "T"

Site Plan

Exhibit "K"

Photographs of the Subject Property

Exhibit "L"

Responses to Draft EA and Reply

EXHIBIT "E"
SMA EXEMPTION

Stephen K. Yamashiro Mayor



Virginia Goldstein Director

Norman Olesen
Deputy Director

County of Nawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252 (808) 961-8288 • Fax (808) 961-9615

May 15, 1996

Mr. Gregory R. Mooers P. O. Box 1101 Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area Use Permit Assessment Application No. 96-29
Applicant: Gregory R. Mooers
Request: Construction of a Two-story Single Family
Residence and Related Improvements
Tax Map Key: 8-7-19:33; Kona Paradise Subd., Kaohe 4th,
South Kona, Hawaii

We are in receipt of the above-described Special Management Area (SMA) Use Permit Assessment Application for the construction of a single family dwelling on approximately 12,091 square feet of land situated along the makai (west) side of Road M in Kona Paradise Subdivision and abutting Ili Ili Beach (Kaohe Park).

Upon review of the application, we have determined that your proposal is exempt from the definition of "development" established by Planning Commission Rule No. 9, SMA Rules and Regulations. According to Rule No. 9-4(10)(B)(i), development does not include the "Construction of a single-family residence that is not part of a larger development." While further review of the construction of the proposed single family dwelling and its related improvements against the Special Management Area rules and regulations will not be required, the applicant will be responsible for complying with all applicable Zoning and Building Code requirements as well as applicable requirements of the Department of Health.

The application requests that the Planning Director waive the requirement regarding the preparation and submittal of a certified shoreline survey of the subject property. According to the site plan submitted, the proposed single family dwelling will be situated approximately 120 feet from the makai (western)

Mr. Gregory R. Mooers Page 2 May 15, 1996

property boundary abutting Ili Ili Beach. The plans also indicate that associated improvements such as a water catchment and septic tank systems will approach to within 40 feet of the makai property boundary. While the subject property rises approximately seven feet from Ili Ili Beach, the actual location of the shoreline cannot be determined by this office. As agreed to during a May 13, 1996 telephone conversation with my staff, the applicants will relocate all improvements associated with the proposed construction of the single family dwelling to a point at least 90 feet from the subject property's makai property boundary. This distance will ensure that any of the proposed improvements will not affect lands within the 40-foot shoreline setback area. Based on this agreement, a certified shoreline survey will not be required pursuant to Rule 8-4(c) of the Planning Commission regarding Shoreline Setback with the applicant to comply with the following conditions:

- The applicant, its successors or assigns shall comply with all stated conditions.
- 2. Prior to commencing any land alteration activities, the applicant shall stake and erect a continuous flag ribbon along a line setback located 90 feet from the subject property's makai (western) property boundary (see attached Exhibit A). No land alteration activities shall be permitted makai of this staked and flagged line. A photograph(s) of the staked and flagged line relative to the property's shoreline area shall be submitted to the Planning Department prior to the issuance of a building permit or the commencement of any land alteration activities on the subject property.

Please feel free to contact Daryn Arai of this office should you have any questions.

VINGUIL GOLDSTEIN

\$incerely

Planning Director

DSA:mjs
F:\WP60\CZM\SMAA\SMAA9629.DA2
Enclosure (Exhibit A)

xc: West Hawaii Office (w/copy of application & Exhibit A)
DLNR (w/ Exhibit A)

SMA Section

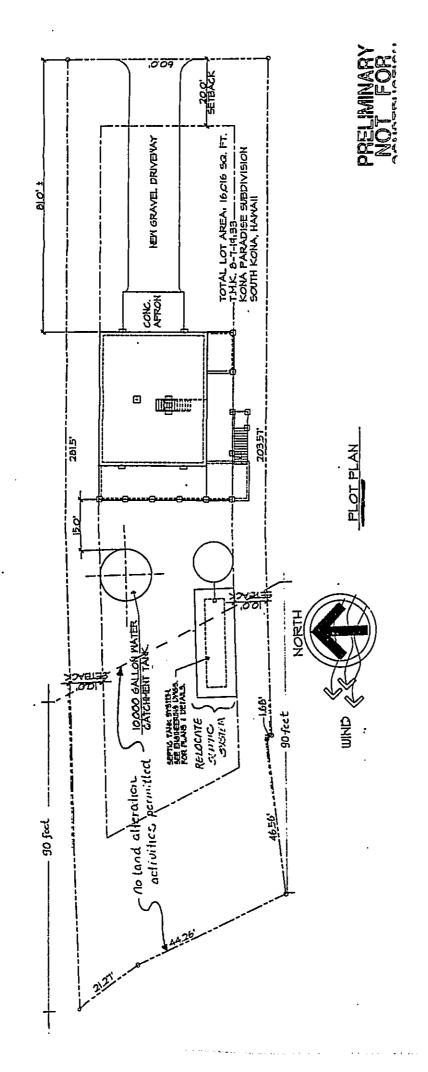


EXHIBIT A

EXHIBITS "H-1 THRU "H-4" MAPS

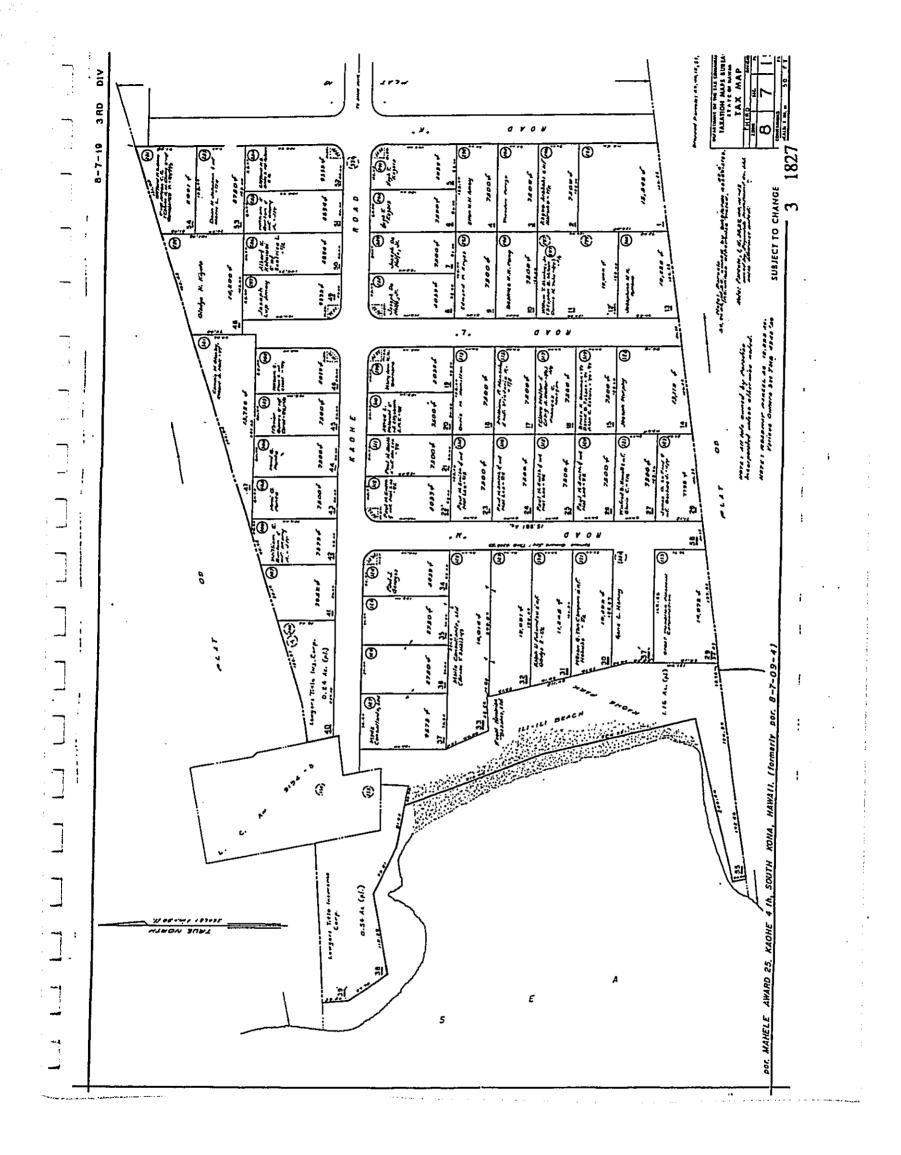


EXHIBIT "I" SITE PLAN

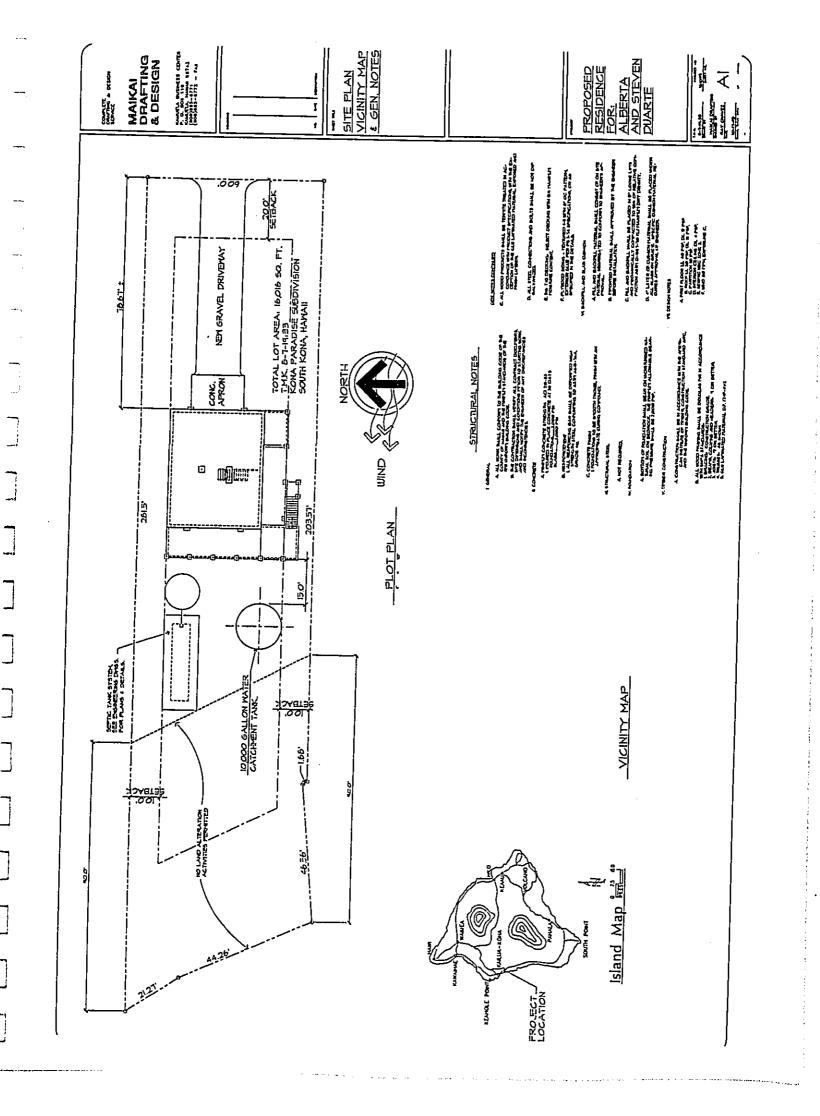
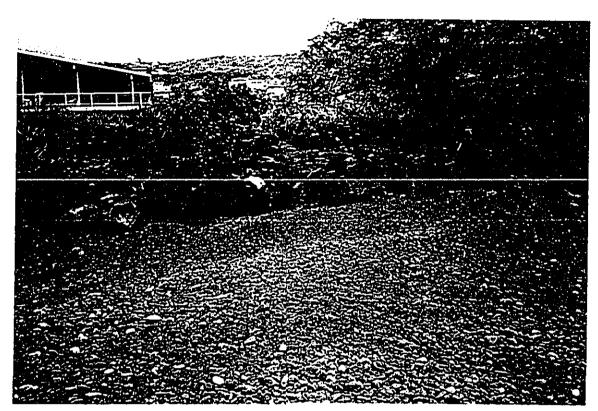


EXHIBIT "K"
PHOTOGRAPHS OF SUBJECT PROPERTY



Subject Property - view looking east from IIi IIi Beach.
Note the seven foot cliff fronting the property.



View of the shoreline abutting the parcel, looking north. Note seven foot high cliff fronting property.



Subject Property - view looking east from Ili Ili Beach. Note the home on the adjoining property, TMK: 8-7-19:36.



View of the property looking west-northwest.

Note the vegetation and home on the neighboring parcel TMK:8-7-19:36.



Subject Property - view from Road "M" looking west Note flat nature of lot with limited vegetation



Subject Property - from middle of lot looking west Note flat nature of lot and limited vegetation



Subject Property - view from middle of lot looking west Note flat nature of lot with vegetation



Subject Property - from makai boundary looking east Note vegetation and mortar in wall on makai boundary

EXHIBIT "L"
RESPONSE TO DRAFT ENVIRONMENTAL ASSESSMENT
AND REPLY

Hav ii Speleological Survey

of the National Speleological Society

WILLIAM R. HALLIDAY Chairman

P.O. Box 1526 Hilo, HI 96721

Address until 10 January 1997: 6530 Cornwall Court Nashville, TN 37205

7 October 1996

Stephen and Alberta Duarte 122 Ikea Place Pukalani, Maui Hawaii 96768

Dear Mr. and Mrs. Duarte:

I have just received the September 23 <u>Environmental Notice</u> including DEA First Notice for your residence in Kona.

It is not possible to determine from the map in that publication whether your lot is in an area which contains caves. If so, the Draft EA should consider their resources and values essentially as outlined in Report #95-01 of this organization, entitled RESOURCES, VALUES AND MANAGEMENT OF PUNA CAVES.

I regret that our forthcoming publication expanding this report to all of Hawaii will not be ready in time for your EA process. However if we can be of assistance to you or your consultant in some other way, please do not hesitate to contact us.

Because of the deadline of October 23, time is of the essence. Please expedite to us at the above Tennessee address a copy of all relevant public documents on this matter.

Sincerely yours,

William R. Halliday

cc: HSSExCom

Mooers Enterprises

DL&NR

MOOERS ENTERPRISES P.O. Box 1101 KAMUELA, HAWAII 96743



October 18, 1996

Hawaii Speleological Survey William R. Halliday, Chairman 6530 Cornwall Court Nashville, Tennessee 37205

Re: Duarte Environmental Assessment

Dear Mr. Halliday:

I am in receipt of your letter of October 7, 1996, to Stephen and Alberta Duarte. We appreciate your interest in this project and understand that you are concerned about possible caves on or near the subject site.

The Duartes are seeking permission to build a single family home on their lot in Kona Paradise subdivision. There are no caves on the property and there are none in the immediate vicinity of the property. By copy of this letter we are notifying the Department of Land and Natural Resources of this fact.

If you have any further questions or concerns in regard to this Environmental Assessment or the Conservation District Use Application, please contact me at 808-885-6839. Thank you for taking the time to contact us in regard to your concern about possible caves on the project site.

Sincerely,

Gregory R. Mooers

President

GRM:sp

cc: Stephen and Alberta Duarte

Dean Uchida, DLNR

PHONE: (808) 885-6839 FAX: (808) 885-1574



DIRECTOR

STATE OF HAWAII

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

220 South King Street Fourth Floor Honolulu, Hawaii 85813 Telephone (808) 586-4186 FACSIMILE (808) 586-4186

October 22, 1996

Mr. Michael Wilson, Chair Department of Land and Natural Resources P.O. Box 621 Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: Draft Environmental Assessment for the Duarte Single Family Residence (HA-2822)

This is in response to the review of the subject document. We have the following questions and comments.

- 1. Please provide a good map that shows the project site in relation to regional roadways and landmarks.
- Water for the project will be provided by a catchment system and the sewer will be provided by an approved septic system. Please describe whether the County of Hawaii plans to extend municipal water and sewer service to this subdivision.
- Please describe the visual impacts of the proposed home and water catchment tank from public places such as Ili Ili Beach and Mamalahoa Highway. We recommend constructing and painting the structures with materials and colors that blend with the surroundings. We also recommend landscaping to reduce the visual impacts.

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

Gary Gill Director

MOOERS ENTERPRISES P.O. Box 1101 KAMUELA, HAWAII 96743



October 23, 1996

Mr. Michael Wilson, Chair Department of Land and Natural Resources P.O. Box 621 Honolulu, Hawaii 96809

Re: CDUA - HA-2822

Draft Environmental Assessment

OEQC Comments

Duarte Single Family Residence

TMK: (3) 8-7-19:33

Kaohe 4th, South Kona, Hawaii

Dear Mr. Wilson:

I am in receipt of OEQC's letter to you dated October 22, 1996, in reference to the Draft Environmental Assessment prepared for CDUA HA-2822. They made three comments and I would like to respond to each of them.

Mr. Gill requested a "good map that shows the project site in relation to regional roadways and landmarks." I have enclosed an additional map for your reference.

Mr. Gill questioned the County's plans for providing sewer or water service to this area. The project site is located many miles from the only municipal sewer in West Hawaii, located in Kailua-Kona. The County has no plans for providing sewer to this area in the foreseeable future. The County Department of Water Supply does not have either source or transmission capacity to provide water service to this rural area of South Kona. They do not plan to provide service to this area in the foreseeable future. Given these facts, the applicant's decision to use catchment for water and an individual treatment system approved by the Department of Health for sewage disposal, is the only reasonable alternative.

Mr. Gill asked us to address the visual impacts of the proposed home and water tank from public places, such as Ili Ili Beach and Mamalahoa Highway. Exhibit "K" is a series of photographs that show the property from a variety of locations, including the beach fronting the property. The Duarte's residence will be visible from the beach, but it will be located over 120 feet from the makai property line, much further back than the neighboring homes on the adjacent property. It will therefore have less of a visual impact, although this is a developed residential subdivision with many homes already constructed. The lot will be fully landscaped as Mr. Gill suggests and colors and materials will be selected to minimize the visual impact of the structures. This site is

PHONE: (808) 885-6839 FAX: (808) 885-1574

Mr. Michael Wilson October 23, 1996 Page Two

not visible from any public highway, the closest being Mamalahoa Highway approximately two miles mauka of the property.

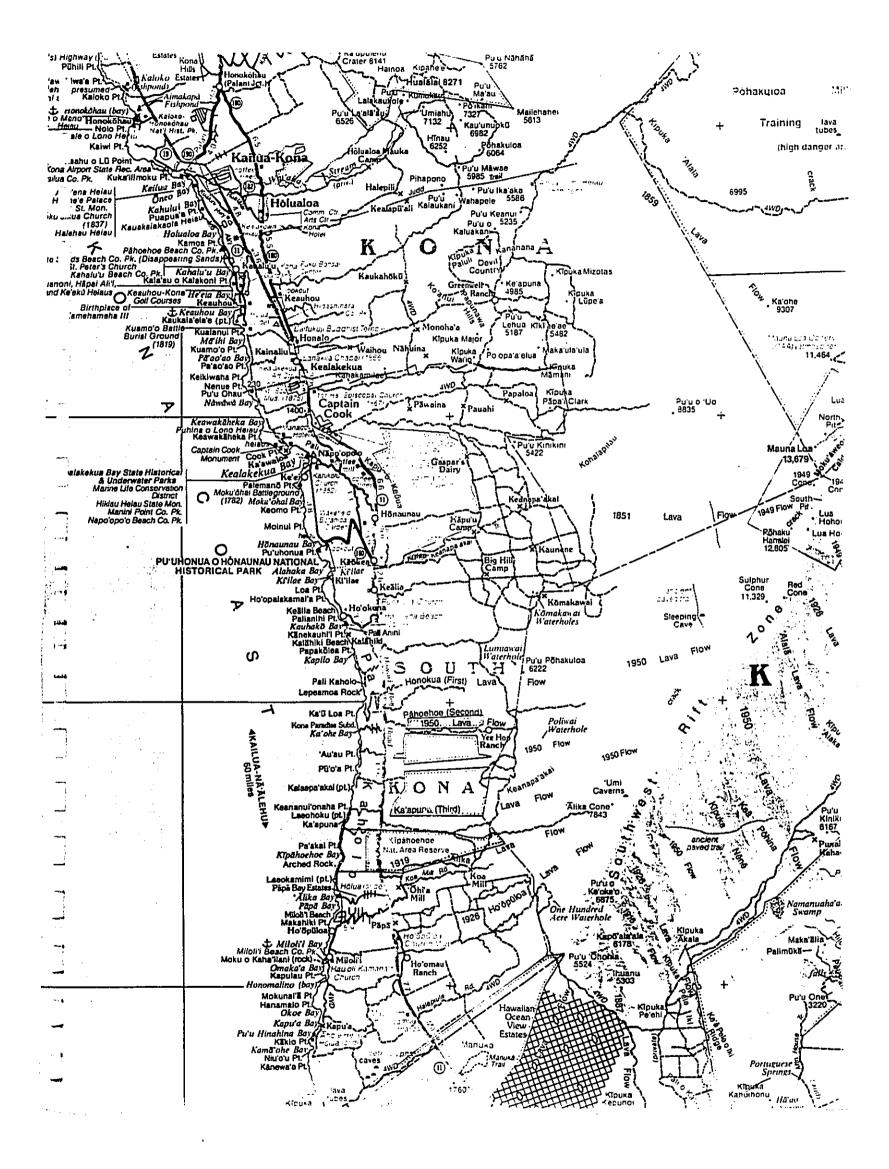
I will include Mr. Gill's letter and this response in the Final Environmental Assessment to be submitted today. If you or your staff have any questions or require additional information please contact me.

Sincerely,

Gregor R Moders
President

GRM:sp

enclosure





DIRECTOR

STATE OF HAWAII OFFICE OF ENVIRONMENTAL QUALITY CONTROL

220 SOUTH KING STREET FOURTH FLOOR HONOLULU, HAWAII 86813 TELEPHONE (808) 588-4188 FACSIMILE (808) 588-4188

October 22, 1996

Mr. Michael Wilson, Chair Department of Land and Natural Resources P.O. Box 621 Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: Draft Environmental Assessment for the Duarte Single Family Residence (HA-2822)

This is in response to the review of the subject document. We have the following questions and comments.

- Please provide a good map that shows the project site in relation to regional roadways and landmarks.
- 2. Water for the project will be provided by a catchment system and the sewer will be provided by an approved septic system. Please describe whether the County of Hawaii plans to extend municipal water and sewer service to this subdivision.
- 3. Please describe the visual impacts of the proposed home and water catchment tank from public places such as Ili Ili Beach and Mamalahoa Highway. We recommend constructing and painting the structures with materials and colors that blend with the surroundings. We also recommend landscaping to reduce the

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

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Gary Gill Director

c: Mooers Enterprises

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